

AMENDMENTS TO THE DRAWINGS

Figure 1 has been amended to replace a duplicative reference character “115” with a reference character “125”. As a result, the reference character “115” that remains in Figure 1 pertains to the ignition coil (*see p. 3, line 18*) whereas replacement reference character “125” pertains to the airflow meter (*see p. 3, line 24, as amended herein*).

REMARKS

Applicant requests favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Of claims 1, 2, 4-12, and 14-19 that were pending in the application, claims 1, 2, 4, 6-12, 14, and 16-19 were rejected in the Office Action. Applicant greatly appreciates the positive indication of allowable subject matter in claims 5 and 15. In response to this positive indication, claims 5 and 15 have been amended to be in independent claim format. In addition, Applicant has: (a) canceled claims 1 and 11, without prejudice or disclaimer; (b) amended pending claims 2, 4-10, 12, and 14-19; (c) amended withdrawn claims 3 and 13; and (d) added new claims 20 and 21. Accordingly, claims 2, 4-10, 12, and 14-21 are pending for further consideration.

1. Rejection of Claims 1, 2, 4, 6-12, 14, and 16-19

The Examiner rejected claims 1, 2, 4, 6-12, 14, and 16-19 under 35 U.S.C. § 103(a) as allegedly being obvious when considering JP 08-300980 (“Harunori”) in view of U.S. Patent No. 4,516,652 (“Tanigawa”). Preliminarily, this rejection is now moot with respect to claims 1 and 11, which have been canceled herein without prejudice or disclaimer. Accordingly, this rejection will be addressed, and respectfully traversed, with respect to claims 2, 4, 6-10, 12, 14, and 16-19.

As amended herein, claim 2 (*i.e.*, the claim from which claims 4 and 6-9 depend) recites a constant speed running control apparatus for a vehicle. This control apparatus includes, among other possible things (italic emphasis added):

an operating section that instructs a change of a target vehicle speed;
a vehicle speed detecting section that detects a vehicle speed;
a control section that controls a driving force of the vehicle so as to coincide
the vehicle speed detected by said vehicle speed detecting section with
said target vehicle speed;
a releasing section that releases the control of the driving force by said control
section under a predetermined condition; and
a setting section that:
*stores the target vehicle speed immediately before the changing
operation of the target vehicle speed; and*
*sets, immediately before the release, the stored target vehicle speed as
a resumption target vehicle speed that is to be implemented at a
time of resumption of the control of the driving force by said
control section, when the control of the driving force by said
control section is released during the target vehicle speed
changing operation.*

Similarly, as amended, claim 10 recites a constant speed running control apparatus for a vehicle. This control apparatus includes, among other possible things (italic emphasis added):

operating means for instructing a change of a target vehicle speed;
vehicle speed detecting means for detecting a vehicle speed;
control means for controlling a driving force of the vehicle so as to coincide
the vehicle speed detected by said vehicle speed detecting means with
said target vehicle speed;
releasing means for releasing the control of the driving force by said control
means under a predetermined condition; and
setting means for:
*storing the target vehicle speed immediately before the changing
operation of the target vehicle speed; and*
*setting, immediately before the release, the stored target vehicle speed
as a resumption target vehicle speed that is to be implemented
at a time of resumption of the control of the driving force by
said control means, when the control of the driving force by
said control means is released during the target vehicle speed
changing operation.*

Finally, as amended, claim 12 (*i.e.*, the claim from which claims 14 and 16-19 depend) similarly recites a constant speed running control method for a vehicle. This control method includes, among other possible steps (italic emphasis added):

instructing a change of a target vehicle speed;
detecting a vehicle speed;
controlling a driving force of the vehicle so as to coincide said detected
vehicle speed with said target vehicle speed;
releasing the control of the driving force for obtaining said target vehicle
speed under a predetermined condition;
*storing the target vehicle speed change immediately before the changing
operation of the target vehicle speed; and*
*setting, immediately before the release, the stored target vehicle speed as a
resumption target vehicle speed that is to be implemented at a time of
resumption of the control of the driving force, when the control of the
driving force is released during the target vehicle speed changing
operation.*

As hereafter explained the combination of Harunori and Tanigawa fails to teach or suggest the control apparatuses recited in claims 2 and 10 and the control method recited in claim 12.

As above-italicized in claims 2, 10, and 12, immediately before execution of a change in target vehicle speed is demanded by the driver (*i.e.*, after acceleration or deceleration is demanded by the driver but before the acceleration/deceleration operation is executed), the target vehicle speed is stored. *See* step S4. Then, immediately before the release of the driving force control is activated, the stored target vehicle speed is set as a resumption target vehicle speed that will be implemented upon resumption of the driving force control. *See*

step S6; p. 5, lines 14-16. Accordingly, when the driving force control is resumed, the resumption target vehicle speed is used as the target driving speed in the driving force control apparatus/method instead of the conventional target vehicle speed that existed immediately before the release of the driving force control.

In contrast to the above-italicized limitations of claims 2, 10, and 12, Harunori teaches a vehicle speed setting means 7 that works in conjunction with acceleration and deceleration switch P5, P6 to change the target vehicle speed. The changed target vehicle speed is implemented by speed control mechanism P4, while taking into account a difference between the target vehicle speed and the actual vehicle speed. Harunori fails to teach or suggest: (a) storing the target vehicle speed immediately before the vehicle speed setting means 7 operates in response to actuation by either of the acceleration and deceleration switch P5, P6; and (b) setting, immediately before the release (e.g., by operation of the brake pedal by the driver), the stored target vehicle speed as a resumption target vehicle speed that is to be implemented at a time of resumption of the control of the driving force by said control means. In other words, Harunori fails to teach or suggest at least the above-italicized limitations of claims 2, 10, and 12. Moreover, Tanigawa fails to cure these deficiencies of Harunori.

As the combination of Harunori and Tanigawa fails to teach or suggest at least the above-italicized limitations of independent claims 2, 10, and 12, the combination can not be used to reject these claims, or any claim dependent thereon, under 35 U.S.C. § 103(a). Moreover, as claims 4 and 6-9 depend from claim 2 and as claims 14 and 16-19 depend from claim 12, each of these dependent claims is also allowable over the combination of Harunori and Tanigawa, without regard to the other patentable limitations recited therein. Accordingly, a withdrawal of the rejection of claims 2, 4, 6-10, 12, 14, and 16-19 under 35 U.S.C. § 103(a) is both warranted and respectfully requested.

2. New Claims 20 and 21

New claims 20 and 21 respectively depend from allowable claims 2 and 12. Accordingly, new claims 20 and 21 are allowable for at least the same reasons as claims 2 and 12 and without regard to the other patentable limitations recited therein.

3. Withdrawn Claims 3 and 13

As withdrawn claims 3 and 13 respectively depend from allowable claims 2 and 12, each of these dependent/withdrawn claims is also allowable. Accordingly, when issuing a Notice of Allowance, the Examiner is requested, under 37 C.F.R. § 1.141 and M.P.E.P. § 809.04, to reenter and allow claims 3 and 13.

CONCLUSION

For the aforementioned reasons, claims 2-10 and 12-21 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HEREWITH, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HEREWITH, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.